

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of FRANCISCO M. MORANO and DEPARTMENT OF THE TREASURY,
INTERNAL REVENUE SERVICE, Miami, FL

*Docket No. 03-190; Submitted on the Record;
Issued February 4, 2003*

DECISION and ORDER

Before ALEC J. KOROMILAS, DAVID S. GERSON,
MICHAEL E. GROOM

The issue is whether appellant is entitled to a schedule award.

The Board has given careful consideration to the issue involved, the contentions of the parties on appeal and the entire case record. The Board finds that the August 7, 2002 decision of the Office of Workers' Compensation Programs is in accordance with the facts and the law in this case and hereby adopts the findings and conclusions of the hearing representative.¹

¹ In this case, the opinion of appellant's treating physician, Dr. Alan M. Lazar, a chiropractor, that appellant had a 10 percent permanent impairment to the body as a whole representing injuries to the cervical and lumbar spine is not probative because the neck and back are not covered organs under the Act and as a chiropractor, Dr. Lazar does not qualify as a physician for the purpose of calculating a schedule award; *see Jay K. Tomokiyo*, 51 ECAB 361, 367 (2000); *George E. Williams*, 44 ECAB 530, 533-34 (1993). Similarly, the report of Dr. Larry Burch, a chiropractor, who diagnosed that appellant had an eight percent impairment for cervical range of motion and a six percent impairment for an unoperated cervical disc is not probative. No evidence of record establishes that appellant is entitled to a schedule award.

The August 7, 2002 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC
February 4, 2003

Alec J. Koromilas
Chairman

David S. Gerson
Alternate Member

Michael E. Groom
Alternate Member